

SENATE MOTION

MADAM PRESIDENT:

I move that Senate Bill 280 be amended to read as follows:

- 1 Page 40, between lines 27 and 28, begin a new paragraph and insert:
- 2 "SECTION 42. IC 36-1.5-4-44 IS ADDED TO THE INDIANA
- 3 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 4 [EFFECTIVE JULY 1, 2008]: **Sec. 44. (a) A reorganized political**
- 5 **subdivision consisting of:**
- 6 **(1) two (2) or more townships; and**
- 7 **(2) at least one (1) municipality;**
- 8 **that have reorganized under IC 36-1.5 may exercise park and**
- 9 **recreation powers under IC 36-10 if the reorganized political**
- 10 **subdivision's plan of reorganization authorizes the reorganized**
- 11 **political subdivision to exercise those powers.**
- 12 **(b) If a reorganized political subdivision's plan of reorganization**
- 13 **authorizes the reorganized political subdivision to exercise park**
- 14 **and recreation powers under IC 36-10, the reorganized political**
- 15 **subdivision may establish a park and recreation board.**
- 16 **(c) A park and recreation board established by a reorganized**
- 17 **political subdivision under this section:**
- 18 **(1) shall exercise park and recreation functions within the**
- 19 **reorganized political subdivision; and**
- 20 **(2) has the powers and duties of both a municipal park and**
- 21 **recreation board and a township park and recreation board**
- 22 **under IC 36-10.**
- 23 **(d) A reorganized political subdivision may by resolution or in**
- 24 **the reorganized political subdivision's plan of reorganization**
- 25 **determine:**
- 26 **(1) the number of members to be appointed to the reorganized**
- 27 **political subdivision's park and recreation board;**
- 28 **(2) the person or entity that shall appoint or remove those**
- 29 **members;**
- 30 **(3) any required qualifications for those members; and**
- 31 **(4) the terms of those members."**

Page 55, between lines 13 and 14, begin a new paragraph and insert:
 "SECTION 54. IC 36-7-2-1 IS AMENDED TO READ AS
 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. **(a) Except as
 provided in subsection (b), this chapter applies to all units except
 townships.**

(b) A unit consisting of:

(1) two (2) or more townships; and

(2) at least one (1) municipality;

**that have reorganized under IC 36-1.5 may exercise planning and
 zoning power under IC 36-7-4 if the unit's plan of reorganization
 under IC 36-1.5 authorizes the unit to exercise planning and zoning
 powers.**

SECTION 55. IC 36-7-4-107 IS ADDED TO THE INDIANA
 CODE AS A NEW SECTION TO READ AS FOLLOWS
 [EFFECTIVE JULY 1, 2008]: **Sec. 107. If a provision of this chapter
 requires a power to be exercised by adoption of an ordinance, a
 unit described in IC 36-7-2-1(b) shall exercise the power by
 adoption of a resolution.**

SECTION 56. IC 36-7-4-202.5 IS ADDED TO THE INDIANA
 CODE AS A NEW SECTION TO READ AS FOLLOWS
 [EFFECTIVE JULY 1, 2008]: **Sec. 202.5. (a) ADVISORY.**
**Notwithstanding any other law, the legislative body of a unit
 described in IC 36-7-2-1(b) may establish by resolution an advisory
 plan commission.**

**(b) ADVISORY. If an advisory plan commission is established
 under this section by a unit described in IC 36-7-2-1(b) and the unit
 adopts a comprehensive plan under this chapter:**

**(1) the plan commission of the unit shall exercise the planning
 and zoning functions within the unit;**

**(2) the plan commission unit may not exercise planning and
 zoning functions within a municipality that has established a
 plan commission under this chapter (other than a
 municipality that participated in the reorganization of the
 unit under IC 36-1.5);**

**(3) a county plan commission may not exercise planning and
 zoning functions within the unit; and**

**(4) except as provided in subdivision (2), a municipal plan
 commission of a municipality (other than a municipality that
 participated in the reorganization of the unit under IC 36-1.5)
 may not exercise planning and zoning functions within the
 unit.**

**Notwithstanding any other law, if a municipality (other than a
 municipality that participated in the reorganization of the unit
 under IC 36-1.5) annexes territory within a unit described in
 IC 36-7-2-1(b) after the unit has established an advisory plan
 commission under this section, the municipal plan commission of
 that municipality may not exercise planning and zoning functions**

1 within that annexed territory.

2 (c) **ADVISORY.** Except as specifically provided in this chapter,
3 an advisory plan commission established under this section by a
4 unit described in IC 36-7-2-1(b) shall exercise the planning and
5 zoning functions within the unit in the same manner that a
6 municipal plan commission established under this chapter
7 exercises planning and zoning functions for a municipality.

8 (d) **ADVISORY.** Notwithstanding any other provision, if an
9 advisory plan commission is established under this section by a unit
10 described in IC 36-7-2-1(b), the legislative body of the unit shall by
11 resolution or in the unit's plan of reorganization under IC 36-1.5
12 determine:

- 13 (1) the number of members to be appointed to the unit's
- 14 advisory plan commission;
- 15 (2) the person or entity that shall appoint or remove those
- 16 members;
- 17 (3) any required qualifications for those members;
- 18 (4) the terms of those members; and
- 19 (5) whether any members or advisory members shall be
- 20 appointed by the county in which the unit is located or by a
- 21 municipality located within the unit."

22 Page 55, between lines 30 and 31, begin a new paragraph and insert:
23 "SECTION 58. IC 36-7-4-901.5 IS ADDED TO THE INDIANA
24 CODE AS A NEW SECTION TO READ AS FOLLOWS
25 [EFFECTIVE JULY 1, 2008]: Sec. 901.5. (a) If an advisory plan
26 commission is established under this section by a unit described in
27 IC 36-7-2-1(b) and the unit adopts a comprehensive plan under this
28 chapter, the legislative body of the unit shall establish a board of
29 zoning appeals.

30 (b) A board of zoning appeals established under this section:

- 31 (1) shall exercise its powers and duties under this chapter
- 32 within the unit in the same manner that a municipal board of
- 33 zoning appeals established under this chapter exercises
- 34 powers and duties under this chapter for a municipality; and
- 35 (2) may not exercise its powers and duties under this chapter
- 36 within a municipality that has established a plan commission
- 37 under this chapter (other than a municipality that
- 38 participated in the reorganization of the unit under
- 39 IC 36-1.5).

40 (c) Notwithstanding any other law, if the legislative body of a
41 unit described in IC 36-7-2-1(b) establishes a board of zoning
42 appeals under this section, the legislative body of the unit shall by
43 resolution determine:

- 44 (1) the number of members to be appointed to the unit's board
- 45 of zoning appeals;
- 46 (2) the person or entity that shall appoint or remove those
- 47 members;
- 48 (3) any required qualifications for those members; and

- 1 **(4) the terms of those members."**
- 2 Renumber all SECTIONS consecutively.
 (Reference is to SB 280 as reprinted January 23, 2008.)

Senator DROZDA